

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR

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August 18, 2000

Barry D. Keene, Director
Department of General Services
Executive Office
1325 J Street, Suite 1910
Sacramento, CA 95814

Re: Public Works Case No. 2000-052
Installation of Modular Furniture
Department of General Services

Dear Mr. Keene:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations, section 16001(a). Based on my review of the facts of this case and an analysis of the applicable law, it is my determination that installation of modular furniture is public works for which prevailing wages must be paid.

Labor Code section 1720(a)¹ defines "public works" to include: "Construction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds...." Under Labor Code section 1772, "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work."

The installation at issue here entails the review of layout drawings and the use of tools commonly used in construction, including but not limited to levels, reversible drills with various bits, ratchets, sockets, screw drivers, mallets and hammers. Components are secured to each other and to the floor and/or ceiling, and wall attachments are often secured with toggles.

This Department has determined that installation of various pre-manufactured products is construction and therefore constitutes "public works" under the Labor Code. This includes the installation of signage in the course of construction of a new

¹ All subsequent statutory references are to the Labor Code unless otherwise indicated.

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school, where the work consisted of measuring and attaching panel, wall-mount and exit signs, using hand tools, electrical drills and battery-operated drills.² Similarly, subject to prevailing wages is installation of toilet partitions and bathroom accessories, which entails reviewing the layout drawings, marking and mounting floor and wall brackets, positioning the panels for mounting, installing U-brackets for the installation of doors, attaching head rails above the panels and doors when appropriate, and bolting toilet accessories onto the panels and existing walls.³ Prevailing wages also must be paid for the installation of metal lockers and shelving when, pursuant to a subcontract with the general contractor, they are assembled and installed on-site to fit room conditions and then secured to the interior walls and floors with bolts and rivets.⁴

The installation of modular furniture is analogous to the installation of the products discussed above. Accordingly, such installation is construction that falls within section 1720(a)'s definition of "public works" when done under contract and paid for in whole or in part out of public funds. In addition, where the modular furniture installation is performed in the execution of a public works contract, workers employed by contractors or subcontractors for such installation are "deemed to be employed upon public work" under section 1772, and prevailing wages must be paid.

Sincerely,



Stephen J. Smith
Director

² Precedential Public Works Coverage Determination, Case No. 99-034, Valley View Elementary School, Pleasanton Unified School District, Installation of Signage by Marketshare, Inc., September 29, 1999.

³ Precedential Public Works Coverage Determination, Case No. 99-061, Toilet Partition/Bathroom Accessories Installation, Zanker Elementary School, November 10, 1999.

⁴ Precedential Public Works Coverage Determination, Case No. 99-060, Metal Lockers and Metal Storage Shelving, Santa Clara Police Facility, November 30, 1999.